

## CHAPTER 7 – LAND DIVISIONS AND LOT LINE ADJUSTMENTS

7.010 Purpose. To provide for an orderly revision to lot lines and division of land into parcels or lots, including the orderly provision of adequate public facilities and services.

7.020. General Requirements – Land Divisions

- A. All land divisions shall be created by partition or subdivision plat through a two-stage process involving approval of a tentative plat and a final plat.
- B. All land divisions shall comply with ORS Chapter 92 and any other applicable state law.
- C. No land division shall leave a structure on the remainder of a lot with less than the minimum lot, yard, or setback requirements of the zoning district, except as authorized by this Code.

7.030 Procedures– Land Divisions

- A. A partition preliminary plat shall be reviewed through the Type II procedure. The final plat shall be approved through the Type I Procedure unless provided otherwise in the preliminary plat approval.
- B. A subdivision preliminary plat shall be a Type III Procedure. The final plat shall be approved through the Type I Procedure unless provided otherwise in the preliminary plat approval
- C. Notwithstanding the foregoing, a land division that qualifies as an expedited land division shall be processed as provided in ORS 191.365-.380 if requested at the time of filing the application. The application shall provide sufficient information to permit the Director to determine whether the application qualifies.

7.040 Preliminary Plat Submittal Requirements

- A. Pre-application conference. Prior to submitting an application, a pre-application conference shall be held as provided in TDC 2.025. The potential applicant shall submit to the Director a tentative sketch of the proposed development. The following information shall be provided:
  - 1. Names and right-of-way widths of all streets within 150 feet of the proposed development.
  - 2. Scale of drawing, legend, north arrow, and date; a scale of 1"=100' is preferred.

3. Anticipated land uses and number of units by type of units.
  4. Natural features (such as trees, streams, and rock outcroppings).
  5. Approximate sizes of lots.
  6. Proposed street pattern, including both public and private streets, with right-of-way widths.
  7. All contiguous holdings of the owner including land in the same ownership, with an indication of the portion which is proposed to be divided. The following information is not required but is helpful:
    - a. Ground elevations shown by contour lines at two-foot vertical intervals.
    - b. All property lines within 250 feet of the proposed development.
- B. Application for preliminary plat approval. The application for preliminary plat approval shall contain:
1. A tentative plat drawn on a sheet 18"x24" in size and at a scale of no less than 1"=50' nor more than 1"=100'. For a subdivision, one copy of a scaled drawing of the proposed subdivision and one copy of the conceptual utility layout on 8½"x11" sheets suitable for reproduction or electronic equivalent.
  2. For subdivisions only, the proposed subdivision name. Prior to approval, the proposed name must be reviewed and approved by the Multnomah County Division of Assessment and Taxation and cannot duplicate or resemble the name of any other subdivision in Multnomah County.
  3. All drawings shall show the scale, legend, north arrow, and date.
  4. Location of the plat by section, township, and range, and a legal description sufficient to define the location and boundaries of the proposed plat.
  5. A vicinity map, showing adjacent property boundaries.
  6. Names, addresses, and telephone numbers of the owner or owners of the property, designer of the subdivision, surveyor, and the date of the survey.

7. Except as provided in paragraph Section 7.050.7, for land divisions that include public streets, a future street plan showing the pattern of existing and proposed future streets, trails, sidewalks and bikeways within the boundaries of the proposed land division and proposed connections to abutting properties. The plan shall show the pattern of existing and future streets from the boundaries of the proposed land division and shall include other parcels within 500 feet of the proposed land division property line. The City may determine future neighborhood street connections. A future street proposal may be modified when subsequent development proposals are submitted. Public right of way proposed to be vacated shall be shown.
8. Easement locations, widths, and purpose of all easements of record (existing and proposed) on or serving the tract. Easements proposed to be terminated or vacated shall be identified.
9. Locations of collection, conveyance, control, fire suppression, and disposal facilities for storm drainage, sanitary sewers, and water utilities (both existing and proposed, public and private) including service laterals on and abutting the tract. If utilities are not on or abutting the tract, indicate the route and distance to the nearest feasible connection point(s).
10. Ground elevations shown by contour lines at two-foot vertical intervals. Ground elevation shall be related to an established benchmark or other datum approved by the Director.
11. Natural features such as rock outcroppings, wetlands, water bodies, and watercourses, including drainage ditches, on and abutting the property; location of all existing trees six inches in diameter or larger; and other significant wooded areas on the tract. Existing trees six inches in diameter or larger at a point that is 54 inches from ground level that are proposed for removal shall be indicated.
12. Approximate location of areas subject to periodic inundation or storm sewer overflow; the location of special flood hazard areas inundated by 100-year flood as shown on the Flood Insurance Rate Map (FIRM) for the City; and the location, width, and direction of flow of all watercourses.
13. The location of at least one temporary benchmark within the tract boundaries.

14. Proposed and existing uses of the property, including location and present use of all existing structures to remain on the property after development.
15. Approximate dimensions of all lots, lot sizes, and proposed lot numbers numbered according to Multnomah County Survey standards.
16. Proposed land use and number of units by type of unit.
17. All lots intended to be dedicated or reserved for public use, open space, parks or similar use shall be shown with the purpose, conditions, and limitations of such reservations clearly indicated.
18. Proposed development phases, if any, including a proposed timeline.
19. For nonresidential subdivisions, a street trees plan required by 7.180
20. Documentation demonstrating that the approval standards in TDC 7.050 are or will be met and any other information required by this Code, or as determined by the Director, that is necessary to review the preliminary plat, such as a soils report, traffic analysis, or other engineering study.

#### 7.050 Preliminary Plat Approval Standards

- A. An application for preliminary plat approval may be approved, approved with conditions or denied based on the applicable criteria.
- B. The applicant shall demonstrate compliance with:
  1. All applicable statutory or administrative rule provisions.
  2. Applicable provisions of the Troutdale Development Code.
  3. Applicable requirements of The Troutdale Transportation System Plan, Parks Master Plan, Public Facilities Plan.
  4. That adequate and necessary public or private facilities as defined by City Code or required by City standards are available or may be extended to serve the property.

C. In addition, the applicant shall demonstrate compliance with the following:

1. Lot Design.

- a. The lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other conditions, in securing building permits to build on all lots in compliance with this Code.
- b. The lot dimensions shall comply with the minimum standards of this Code. When lots are more than double the minimum required area for the zoning district, the applicant may be required to arrange such lots to allow further subdivision and the opening of future streets to serve such potential lots.
- c. The lot width at the front building line shall meet the requirements of this Code and shall abut a public street other than an alley for a width of at least 20 feet. A street frontage of not less than 15 feet is acceptable in the case of a flag (panhandle) parcel resulting from the division of an unusually deep land parcel.
- d. Lots both fronting and backing to a street shall be avoided except where necessary to provide separation of residential developments from arterial streets, or to overcome specific disadvantages of topography or orientation. If created, a landscaped, fenced, or screened easement, at least ten feet wide, shall be provided across which there is no right of access to the abutting arterial street.
- e. Lots shall avoid deriving access from major or minor arterials. If that is not practicable, the City may require that more than one new lot or parcel have combined or shared to limit possible traffic hazards on such streets. Unless not practicable, driveways shall be designed and arranged to avoid requiring vehicles to back into traffic on minor or major arterials. See also Subsection g, below.
- f. In a location that will not be served by a public sewer, a lot shall have sufficient size to permit compliance with the requirements of the Department of Environmental Quality for sewage disposal by septic tank and tile field, and permit continued reliance on that method of sewage disposal. If the location will not be served by a community water system, a lot shall have sufficient additional size to permit an on-site water supply in accordance with the requirements of the

Oregon Water Resources Department for each lot without conflict between water supply and sewage disposal facilities.

- g. Shared private drives serving multiple lots may be approved by the Director when the following conditions are met:
    - i. The private drive does not serve more than six dwelling units.
    - ii. A homeowner's association, or other mechanism found acceptable to the Director, is created to maintain the drive.
    - iii. Each lot shall have separate connections to the public water and sanitary sewer systems.
    - iv. Any utilities or facilities shared by two or more property owners shall meet established City standards.
    - v. Private drives serving two or more residences shall be fully improved with hard surface pavement with a minimum width of: 20 feet when accommodating two-way traffic; or 10 feet when accommodating one-way traffic.
  - h. Flag lots may be created where it is shown that no other street access is feasible to achieve the requested land division. The flag lot shall have a minimum street frontage of 15 feet for its accessway. The following dimensional requirements shall apply to flag lots:
    - i. Setbacks applicable to the underlying zoning district shall apply to the flag lot.
    - ii. The access strip may not be counted towards the lot size or area requirements.
    - iii. The accessway shall have a minimum paved width of ten feet.
- 2. Erosion Control. Erosion control shall be provided in accordance with City, County and State laws and standards.
  - 3. Surface Drainage and Storm Sewer Systems.
    - a. Adequate provisions for storm or floodwater runoff shall be provided in accordance with the City of Troutdale Construction Standards for Public Works Facilities. The stormwater drainage system shall be separate and independent of any sanitary sewer system. Surface water drainage systems shall be approved by the Director of Public Works.

- b. Culverts or other drainage facilities shall be large enough to accommodate potential runoff from the upstream drainage area, whether inside or outside of the development, that drains to the subject property. The Director of Public Works shall approve the size of the facility assuming conditions of maximum potential watershed development permitted by this Code.
- c. Where additional runoff generated by the development will overload an existing drainage facility, approval of the land division may be withheld until provisions have been made for improvement of said potential condition.
- d. A drainage easement shall be required when:
  - i. Topography or other conditions make it infeasible to include public drainage facilities within existing or proposed public right- of-ways. The easement must provide an area at least 15 feet in width and include vehicular access to the easement area from a public street. The terms and conditions of the easement must be approved by the city; or
  - ii. Surface water from the development discharges onto or across private property, unless the post-development rate of discharge does not exceed the pre-development rate and the location of discharge onto the private property remains unchanged. If the easement contains drainage facilities that are to become public, the terms and conditions of the easement must be approved by the city.

#### 4. Sewerage Facilities

- a. Sanitary sewer facilities shall be installed as prescribed by the Department of Environmental Quality and City of Troutdale Construction Standards for Public Works Facilities. Where sanitary sewer facilities are not required, an individual disposal system shall be used. The individual disposal system, including the size of the septic tanks, tile fields, or other treatment device, shall be approved by State of Oregon Department of Environmental Quality or Multnomah County, DEQ's designated agent.

- b. Sanitary sewer systems shall be designed for the ultimate tributary population, which should be determined by consideration of the current zoning and Comprehensive Land Use Plan designations. Sewer capacities shall be adequate to handle maximum hourly quantities of sewage and industrial waste together with an adequate allowance for inflow and infiltration and other extraneous flow and must meet city requirements for the Construction Standards for Public Works Facilities.
- 5. Connectivity. The Comprehensive Plan, Transportation System Plan and Construction Standards for Public Works shall be used to identify potential street and accessway connections.
  - a. The access spacing standards of this Chapter shall be considered in determining the need for connections to adjacent properties. Stub streets will be required to avoid land locking a parcel(s) due to the collector and arterial access spacing standards.
  - b. Except as permitted in Subsection (e) of this Section, all streets, alleys, and pedestrian walkways shall connect to other streets within the development, existing and planned streets outside the development, and undeveloped properties which have no future street plan. Streets shall terminate at other streets or at parks, schools, or other public land within a neighborhood.
  - c. Where practicable, local roads shall align and connect with other roads when crossing collectors and arterials.
  - d. Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops, and existing or planned neighborhood activity centers, such as schools, shopping areas, and parks.
  - e. For residential and mixed-use developments, bicycle and pedestrian connections shall be provided on public easements or right-of-ways when full street connections are not possible, with spacing of no more than 330 feet as measured from the near side right-of-way or easement line, except where prevented by topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers.



- f. All streets shall be related to special traffic generators such as industries, business districts, schools, and shopping centers, and to the pattern of existing and proposed land uses.
  - g. For residential and mixed-use developments, local street connections shall be spaced at intervals of no more than 530 feet as measured from the near side right-of-way line, except where prevented by topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers. Local street connections at intervals of no more than 330 feet are preferable in areas planned for the highest density mixed-use development.
  - h. Accessways shall be provided for pedestrians, bicycles, or emergency vehicles on a public easement or right-of-way where full street connections are not possible in accordance with of this Section, with spacing of no more than 330 feet as measured from the near side right-of-way or easement line, except where prevented by topography barriers, such as railroads or freeways, or environmental constraints such as major streams and rivers. Accessways shall include at least a 15-foot wide right-of-way or easement and a 10 foot wide usable surface.
  - i. Street connections and accessways shall be designed to minimize conflict of movement between the various types of traffic, including pedestrian.
  - j. Proposed streets shall be extended to the boundary lines of the tract to be divided. A barricade shall be built at the end of the street in accordance with the City of Troutdale Construction Standards for Public Works Facilities and it shall not be removed until authorized by the Director of Public Works. Signage clearly identifying the street as a future through street shall be provided.
6. Streets.
- a. Street layout shall be generally in a rectangular grid pattern with modifications as appropriate to adapt to topography or natural conditions.
  - b. No land division shall be approved unless the development has frontage or approved access to an existing or proposed public street. In addition, all proposed public streets shall be

designed, improved, and constructed in conformance with the City of Troutdale Construction Standards for Public Works Facilities and conform with the City's adopted Transportation System Plan. The Director of Public Works must approve the construction drawings.

- c. Local streets shall be laid out to conform as much as possible to the topography, permit efficient drainage and utility systems, and require the minimum number of streets necessary to provide convenient and safe access to property. Where the length or design of the street allows or promotes excessive speeds, traffic management measures such as speed humps and traffic circles are encouraged and may be required, if needed, to ensure the safe operation of the street. Local street design shall provide for adequate sight distance at all cross streets and accessway junctions.
- d. In commercial and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walkways and parking areas to minimize conflict of movement between the various types of traffic, including pedestrian.
- e. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. However, exceptions to the block width shall be allowed for blocks which are adjacent to arterial streets or natural features. Blocks along arterials or collector streets shall not be less than 500 feet in length, wherever possible. The average perimeter of blocks formed by streets should not exceed 1,500 feet except where street location is restricted by natural topography, wetlands, or other bodies of water.
- f. When a land division abuts an existing or proposed arterial, access to such streets may be limited by one of the following means:
  - i. The subdivision of lots so as to back onto the arterial and front onto a parallel local street.
  - ii. A series of U-shaped streets, short loops, or cul-de-sacs entered from, and designed generally at, right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial.
  - iii. Compliance with Multnomah County's Road Rules.

- g. The curve radius at each local-local street right-of-way intersection shall be in accordance with the City of Troutdale Construction Standards for Public Works Facilities unless otherwise approved by the Director of Public Works. The curve radius at each local-county or local-state street right-of-way intersection shall be in accordance with county or state standards, respectively.
- h. Public streets, including alleys, within the development shall be improved in accordance with the requirements of the Construction Standards for Public Works Facilities. When required, neighborhood traffic management measures shall be constructed in conformance with Construction Standards for Public Works Facilities.
- i. In residential districts, a building setback line, which shall extend 20 feet back from the right-of-way line of an arterial street or landscaping, fencing, or other method of buffering residential uses from traffic noise, odor, dust, etc., shall be provided adjacent to the arterial. If the use of a buffer strip is selected, no structures may be placed within the buffer.
- j. Streets shall be laid out so as to intersect as nearly as possible at right angles in accordance with the Construction Standards for Public Works Facilities.
- k. Cul-de-sac or alleys shall only be permitted when all of the following conditions are met:
  - i. One or more of the following conditions prevent a required street connection: constrained slope (15% or more), presence of a wetland or other body of water which cannot be bridged or crossed, existing development on adjacent property prevents a street connection, or presence of a freeway, limited access highway, or railroad.
  - ii. An accessway is provided consistent with the standards for accessways.
  - iii. Cul-de-sacs shall be as short as practicable and shall not exceed 200 feet in length as measured to the terminus of the cul-de-sac street, except where prevented by topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers that would make the dwelling unit limitation and the street length limitation impractical.

A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with the City's construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall serve no more than 25 single-family/multiple-family dwelling units, and shall not exceed 200 feet in length as measured to the terminus of the cul-de-sac street, except where topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers, prevent street extension that would make the dwelling unit limitation and the street length limitation impractical.

- l. A partition where further land divisions are possible, and all subdivisions, shall comply with the requirements of Section 8.010, Transit Facility Design of this Code.
- m. Newly created public streets that are not an extension of an already existing north/south alignment, or that do not align with an existing street, shall be given a historically significant street name whenever possible. Names for private streets or shared private driveways shall be unique from all existing street names within the City of Troutdale, but the use of historically significant names is encouraged.
- n. For nonresidential subdivisions, provision for planting street trees in accordance with the approved street tree plan. Applicants for residential subdivisions shall pay the City street tree assessment. Street trees shall be maintained by the property owner as provided in TMC Chapter 13.10.

7. Exceptions to Subsection 6, Streets

- a. A future street plan is not required for partitions of residentially zoned land when none of the resulting parcels may be redivided under the minimum lot size standards of the zone.
- b. Standards for street connections specified in Subsection (B) of this Section do not apply to freeways and other highways with full access control.
- c. When the street connection standards are inconsistent with an adopted street spacing standard for arterials or collectors, a right turn in/right turn out only design, including median control, may be approved. Where the compliance with the

standards would result in unacceptable sight distances, an accessway may be approved in place of a street connection.

8. Bikeways and Sidewalks. New and reconstructed arterials, collectors, neighborhood collectors, and local streets shall meet the following standards:
  - a. Bikeways and sidewalks shall be constructed during the construction or reconstruction of all arterials and collectors, and any neighborhood collector or local street in other than single-family residential developments. On local streets, in single family residential zones, sidewalks shall be constructed prior to final occupancy permit in accordance with the Construction Standards for Public Works Facilities.
  - b. Sidewalks shall be constructed along the frontage of all public streets, and within and along the frontage of all new development or redevelopment.
  - c. Sidewalks are required on both sides of all new public streets and on both sides of reconstructed public streets, unless there is insufficient right-of-way to permit sidewalks on both sides of the reconstructed street .
  - d. Where lack of public right-of-way width prevents including sidewalks within the public right-of-way, an easement may be required to provide for all, or part of one or both, sidewalks.
  - e. If a street is being constructed to an interim standard that does not include bike lanes or sidewalks, interim bikeways or pedestrian walkways shall be provided through construction of paved roadway shoulders at least eight feet in width on arterials and six feet on other streets.
  - f. Sidewalks shall be designed to streets or to be integrated into an overall site design for the development consistent with the site's topography and vegetative coverage.
  - g. Sidewalks and bikeways shall be constructed in accordance with the Construction Standards for Public Works Facilities.
  - h. Lighting of sidewalks and bicycle paths shall be provided in conjunction with construction of new roads, reconstruction of existing roads, and new development.

9. Street lighting. A complete street light system including, but not limited to, conduits, wiring, junction boxes, transformers, controls, bases, poles, mast arms, and luminaires shall be designed and installed in each subdivision on all streets within or abutting the subdivision. The design must comply with the standards of the Mid-County Lighting District, the Construction Standards for Public Works Facilities, and the standards of the Troutdale Municipal Code, Chapter 8.26, Outdoor Lighting. The Mid-County Lighting District will assume ownership and maintenance responsibility for all street lighting systems within public right-of-ways.
  - a. The design must be reviewed and approved by the Mid-County Lighting District to ensure compliance with its standards and list of acceptable materials. A copy of that written approval document must be provided to the City for its records.
  - b. The design must be included as an integral part of the subdivision construction drawings for review and approval by the City to avoid conflicts with other utilities and structures.
10. Utilities.
  - a. The plat shall contain a utility easement for both public and private utilities conforming to the requirements of the Construction Standards for Public Works Facilities along the front of all lots. Utilities easements are required for public utilities on private property.
  - b. New utilities, including but not limited to, natural gas, electric power, cable and telecommunications to serve the land division shall be placed underground and installed in accordance with the requirements of the utility company. Electric power transmission lines, including primary feeder lines and transformer vaults shall be underground. Land divisions served by existing utilities shall convert the utilities to underground in accordance with TMC Chapter 12.11 and the Construction Standards for Public Works.
11. Street Trees. Nonresidential subdivisions shall prepare a street tree planting plan
12. Fencing. The approval authority may require a subdivision to have fencing to address a nuisance or hazardous condition. Fencing shall be constructed according to standards established by the Director.

13. Natural Features. All trees designated to be retained shall be preserved using best management practices as specified in an arborist's report.

7.060 Preliminary Plat Expiration Date.

- A. The tentative plat shall expire two years from the date of approval unless a final plat is recorded with the County prior to that date. The Director may, upon written request of the applicant or its successor received prior to the expiration date grant one extension of the approval period, not to exceed one year, upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant a new application.
- B. Except as expressly provided in the preliminary plat approval, all phases shall obtain preliminary plat approval within five years of the date of preliminary plat approval of the first phase. The Director may, upon written request received prior to the expiration date grant one extension of the period to file for preliminary plat approval of the phase, not to exceed one year, upon a written finding that the facts upon which the phasing approval was based have not changed to an extent sufficient to warrant a new application.
- C. Expiration of the period to obtain preliminary plat approval for a phased development shall not invalidate other phases for which preliminary plat approval has been obtained. Such phases shall continue to be bound by the terms and conditions of the applicable preliminary plat approval.

7.070. Effect of preliminary approval. Only work specifically authorized in the preliminary plat approval may take place prior to final plat approval.

7.080. Final plat application.

- A. An application for final plat approval shall contain:
  1. Three originals (drawn on 7-10 mil double-matted polyester drafting film) and two paper prints of the final plat. The final subdivision plat shall be drawn in the manner provided by ORS Chapter 92 as administered by Multnomah County.
  2. In addition to that specified by law, the following information shall be shown on the plat. In any case where these standards conflict with more stringent adopted county or state standards, the county or state standards shall apply:

- a. Reference points of existing surveys identified, related to the plat by distances and bearing, and referenced to a field book or map as follows:
  - i. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision.
  - ii. Adjoining corners of adjoining subdivisions or partitions.
  - iii. Other monuments found or established in making the survey of the subdivision or required to be installed by state law.
- b. State plane coordinates. Three distinctly remote corners of the subdivision exterior boundary shall be tied to the State of Oregon plane coordinate system.
- c. The location, width, and centerline of streets and easements abutting or within the boundaries of the tract.
- d. The 100 year floodplain, and any floodways shown on the City adopted FEMA maps and the normal flood plain or high waterline for any creek or other body of water or natural drainageway not shown on such maps.
- e. Tract, lot, or parcel boundary lines; street right-of-ways and centerlines with dimensions; bearings or deflection angles; radii arc points of curvature; and tangent bearings. Tract boundaries and street bearings shall be shown to the nearest second with basis of bearings. Distances shall be shown to the nearest 0.01 feet.
- f. The width of the portion of streets being dedicated and the width of existing right-of-ways. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius, cord distance, bearing, and central angle shall be indicated.
- g. Easements, clearly identified and, if already of record, their recorded reference. If an easement is not definitively located of record, a statement of the easement shall be given. The bearing, and sufficient ties to locate the easement with respect to the subdivision, shall be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of dedication. If the easement is not recorded separately, the essential



rights, limitations and terms of the easement shall be indicated in the plat notes.

- h. Lot numbers beginning with the number “1” and numbered consecutively in the subdivision.
- i. Identification of land to be dedicated as a separate tract for any purpose, either public or private, to distinguish it from lots or parcels intended for sale.
- j. Reference to the City’s case file number.
- k. The signature of a surveyor licensed or registered in the State of Oregon, certifying that the plat complies with applicable laws.

B. The following certificates may be combined where appropriate:

- 1. A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat.
- 2. A certificate with the seal and signature of the surveyor responsible for the survey and final map, including that the plat complies with all applicable laws.
- 3. A certificate signed and acknowledged as above, dedicating to the public all land, easements, and improvements intended for public use.

C. The following information shall accompany the plat:

- 1. A copy of any deed restrictions.
- 2. A copy of any dedication requiring separate documents.
- 3. Deeds conveying property to the City.
- 4. Vacation of existing right-of-ways or easements.
- 5. Approval block for signatures. An approval block labeled City of Troutdale with appropriate date and signature lines for the Director and other signatures as required by law.

- D. Documentation that all conditions of approval imposed on the preliminary plat have been complied with, or if permitted in the condition, that compliance is assured or deferred.

#### 7.090 Final Plat Approval

- A. Director Decision. Within 30 days of submission of a final plat, the Director shall issue a decision determining that:
  - 1. The final plat and related submittals do not include the information required by TDC 7.040 and therefore is incomplete. The decision shall generally describe the information needed to make a final decision.
  - 2. The final plat contains the required information, the information is accurate, the plat complies with the criteria in paragraph B, and, therefore, is approved. The director shall sign and date the plat and notify the applicant that the plat and related documents are ready for pick up and recording.
  - 3. The final plat contains the required information but the information is not accurate or the plat does not comply with the criteria in paragraph B., and therefore is denied. The decision shall generally describe the basis for the denial.
- B. Standard of Review. Unless provided otherwise in the preliminary plat approval, review of a final plat is a Type I process. The Director shall review the final plat for accuracy and compliance with the preliminary plat approval, including any conditions of approval. The Director may cause a field investigation to verify that the survey and related items are accurate. Only such changes as are necessary to comply with the terms of the preliminary approval may be required. If denied, the applicant may make any necessary revisions and resubmit for approval.
- C. Effective Date and Expiration.
  - 1. The decision on a final plat is effective on the date written notice of the decision is provided.
  - 2. The final plat approval shall expire if the final plat is not recorded prior within one year of the date effective date.

### 7.100 Changes to Approved Plat.

- A. A minor replat of an existing platted land division shall be reviewed through a Type II procedure when the street(s) is existing and no extension, modification, reconstruction or realignment of streets is necessary; the allowable density is not increased, the proposed lots comply with the standards of this Code, including Section 7.050 and the replat involves no more than six lots.
- B. All other changes in an approved plat, except lot line adjustments, shall require a new application and be processed in the same manner as the original approval. The proposed lots must comply with the standards of this Code, including Section 7.050.
- C. A plat, or portion of a plat, may be vacated by the owner prior to the sale of any lot created by the plat. A vacation shall be reviewed through a Type III procedure and approved provided that the proposed vacation does not abridge or destroy any public rights in any public use, improvements, streets or alleys. If any lot in the plat has been sold, the written approval of all owners of lots in the plat must be submitted. If approved, the owner(s) shall execute, acknowledge and record the vacation in the same manner as required for a plat. This Section is in addition to and not in lieu of any statutory requirements for vacation of plats.

### 7.110 Guarantee.

- A. The applicant may elect to complete all required public improvements and all other items required as part of the construction drawings and applicable conditions of approval (hereinafter "improvements") prior to requesting approval of the final plat. In such case, no performance guarantee will be required. All improvements must be completed in accordance with City standards, inspected, and accepted by the City prior to approval of the final plat. A warranty of workmanship and materials shall be required as specified in Section 7.150, Certificate of Completion, of this Chapter. All improvements shall remain the property and responsibility of the applicant until formally accepted by the City.
- B. If the applicant elects to file the partition or subdivision plat prior to the completion and acceptance of the improvements, the applicant shall secure a surety bond, present a cashier's check or certified check for deposit with the City, or provide an Irrevocable Letter of Credit with the City as beneficiary as assurance for faithful performance of the required improvements (hereinafter collectively referred to as "financial assurance"). The value of the financial assurance shall be equal to 110% of the estimated value of the improvements. The value of the financial assurance shall not diminish during the life of the instrument. All estimates

furnished by the applicant shall be verified by the Director of Public Works. The form of all bond and letter of credit instruments must meet the approval of the City Director of Public Works, and the City Director may prescribe such forms to be used by the applicant.

- C. In the event the applicant fails to satisfactorily complete all improvements within the time authorized and the City desires to complete such improvements, the City shall be authorized to use the cashier's check, certified check, or Irrevocable Letter of Credit to complete the improvements, or to bring an action or claim on the surety bond.
- D. If the amount of the financial assurance exceeds costs and expenses incurred by the City to complete the improvements, the City shall release the remainder. If the amount of the financial assurance is less than the cost and expenses incurred by the City, the applicant shall be liable to the City for the difference

7.120 Development Inspection Fee. The applicant shall reimburse the City for the actual cost the City incurs for construction inspection of the improvements within 30 days following receipt of an invoice for such costs. Final acceptance of the improvements shall not occur until all such reimbursements are received by the City.

7.130 Construction Drawing Documents Requirements. Construction drawings shall conform to the requirements of the City of Troutdale Construction Standards for Public Works Facilities. Construction of Public Improvements shall not commence prior to approval of construction. Seven sets of construction drawings shall be submitted that include site grading, erosion control, streets, sanitary sewers, storm sewers, water mains, street lighting, and associated details. Drainage Plans shall be accompanied by design calculations (two sets only) as required by the Construction Standards for Public Works Facilities. Plans shall also include parks and open spaces if public improvements extend into those areas.

7.140 Commencement of Construction.

- A. The Director of Public Works shall issue an "Authorization to Commence Construction" upon the applicant's completion of the following:
  - 1. The applicant shall request in writing to the Director of Public Works that he be allowed to commence construction.
  - 2. The applicant shall pay all outstanding fees, assessments, and liens on the property including, but not limited to, sewer or water assessment, and all taxes, on any property being deeded to the City or dedicated to the public.

3. The applicant shall submit and obtain the City's approval of the construction drawings.
  4. The applicant shall submit and obtain the City's approval of a Performance Guarantee in accordance with Section 7.110, Guarantee, of this Chapter.
- B. No construction shall take place prior to issuance of an "Authorization to Commence Construction".
- 7.150 Certificate of Completion. A Certificate of Completion shall be issued when the following items are completed:
- A. The Director of Public Works has verified that the required public improvements have been constructed in accordance with the applicable construction drawings, standards, and specifications.
  - B. The applicant has submitted a financial assurance (as defined in Section 7.110 of this Chapter) in an amount which is not less than ten percent of the cost of the improvements. The financial assurance shall run for a period of at least two years following issuance of the Certificate of Completion by the City and shall require the applicant to promptly correct all deficiencies of workmanship and materials within the development for that are identified during that period. The City Council may require a larger financial assurance, or require the financial assurance to run for a longer period.
  - C. The applicant has submitted a financial assurance equal to the total estimated cost, guaranteeing the placement of the final lift of asphaltic concrete on all streets constructed with the development. The applicant shall place the final lift on all streets after 90% of the buildings within the development have received Certificates of Final Inspection or two years have transpired since the issuance of the Certificate of Completion, whichever occurs first.
- 7.160 Restriction on Issuance of Building Permits. No building permits will be issued until a Certificate of Completion has been issued unless the Director of Public Works and the Building Official approve a waiver with an adequate financial guarantee to assure completion of the public facilities utilities.
- 7.170 Acceptance of Construction Improvements. Operation, maintenance, and repair of improvements that are to become public are the responsibility of the applicant until the applicant makes written request to the City for their acceptance and the City Council accepts such improvements by Resolution. Acceptance will not occur until after a Certificate of Completion has been

issued and as-built drawings (one mylar set and four copies) have been approved and received and approved by the City.

#### 7.180 Lot Line Adjustments

- A. Defined. A lot line adjustment is the relocation, elimination or consolidation of a common lot line between two or more adjacent lots where no additional lot or parcel is created. They also are known as property line adjustments. Lot line adjustments do not include a replat as defined in ORS 92.180 et. seq. Lot line adjustments are Type I process.
- B. Lot sizes. Existing lots reduced in size by a lot line adjustment shall not be reduced below the minimum lot size of the applicable zone. If there are two or more applicable zones, the minimum lot size of the predominant zone shall control.
- C. Submittal requirements. In addition to general application requirements, an application for a lot line adjustment shall include:
  - 1. The name and address and contact information for all owners and surveyors.
  - 2. A plot plan showing:
    - a. All existing and proposed lot lines and sizes.
    - b. All existing and proposed structures
    - c. Existing and proposed easements
    - d. The location of any flood plain, hazard areas and other areas subject to flooding or ponding
    - e. Any other significant natural features.
- D. Approval Standards. The applicant must demonstrate that the proposed lots conform to the applicable zone as provided above, and that no boundary line will violate the applicable setbacks; that each proposed reconfigured lot complies with the access and sight distance standards of this Chapter and the City street standards.
- E. State requirements. The applicant shall comply with the requirements of ORS 92.060.
- F. Expiration. A lot line adjustment shall expire if not recorded within one year of the date of final approval. Extensions may be granted in the same manner as for land divisions.